

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GIUSEPPE D'ALESSANDRO,

Petitioner,

v.

ORDER
08-CV-914

MICHAEL B. MUKASEY,
United States Attorney General, et al.,

Respondents.

This case was referred to Magistrate Judge Victor E. Bianchini, pursuant to 28 U.S.C. § 636(b)(1), on March 2, 2009. On August 21, 2009, petitioner filed a motion for attorneys' fees. On March 31, 2010, Magistrate Judge Bianchini filed a Report and Recommendation,¹ recommending that the motion be granted and awarding Equal Access to Justice Act ("EAJA") attorneys' fees in the amount of \$47,432.45 plus costs in the amount of \$670.70.

Respondent filed objections to the Report and Recommendation on April 28, 2010, and petitioner filed a response thereto. Oral argument on the objections was held on June 28, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which

¹ Although Magistrate Judge Bianchini's filing is titled a Decision and Order, the Court has treated it as a Report and Recommendation.

objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Bianchini's Report and Recommendation, petitioner's motion is granted and the court awards EAJA fees in the amount of \$47,432.45 plus costs in the amount of \$670.70.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: July 6, 2010